

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth and ERS.**

ORDER GRANTING TWO HUNDRED SEVENTIETH OMNIBUS OBJECTION (NON-
SUBSTANTIVE) OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY AND EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF
THE COMMONWEALTH OF PUERTO RICO TO CLAIMS ASSERTED AGAINST THE
INCORRECT DEBTOR

*Upon the Two Hundred Seventieth Omnibus (Non-Substantive) Objection of the
Puerto Rico Highways and Transportation Authority and Employees Retirement System of the
Government of the Commonwealth of Puerto Rico to Claims Asserted Against the Incorrect Debtor*

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA", and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the "Debtors") (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

[ECF No. 14917] (the “Two Hundred Seventieth Omnibus Objection”),² filed by the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto (“ERS,” and together with HTA, the “Debtors”), dated October 23, 2020, for entry of an order disallowing in their entirety certain claims filed against the Commonwealth or ERS, as more fully set forth in the Two Hundred Seventieth Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Two Hundred Seventieth Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Two Hundred Seventieth Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and the claims identified in the column titled “Asserted” in Exhibit A to the Two Hundred Seventieth Omnibus Objection having improperly identified HTA or ERS as obligor, in whole or in part, when such claims are properly asserted, if at all, in whole or in part, against the Commonwealth of Puerto Rico (the “Commonwealth”), as identified in the column titled “Corrected” in Exhibit A to the Two Hundred Seventieth Omnibus Objection; and the Court having determined that the relief sought in the Two Hundred Seventieth Omnibus Objection is in the best interests of HTA, ERS, their creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Two Hundred Seventieth Omnibus Objection establish just cause for the relief granted herein; and the Court having deemed a hearing is not necessary as no objection, responsive pleading, or request for a hearing with respect to the Two Hundred Seventieth Omnibus Objection has been submitted, and after due deliberation and sufficient cause appearing therefor, it is hereby

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Two Hundred Seventieth Omnibus Objection.

ORDERED that the Two Hundred Seventieth Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the claims identified in Exhibit A to the Two Hundred Seventieth Omnibus Objection are hereby reclassified in whole or in part; and it is further

ORDERED that the claims identified in the column titled “Asserted” in Exhibit A to the Two Hundred Seventieth Omnibus Objection are hereby reclassified, in whole or in part, to be claims asserted against the Commonwealth, as indicated in the column titled “Corrected” in Exhibit A; and it is further

ORDERED that the Debtors’ right to object to the Reclassified Claims is reserved; and it is further

ORDERED that Prime Clerk is authorized and directed, in the official claims register in the PROMESA cases, to move the claims identified in the column titled “Asserted” in Exhibit A to the Two Hundred Seventieth Omnibus Objection from the Title III case for the debtor(s) identified in the column titled “Asserted” in Exhibit A to the Two Hundred Seventieth Omnibus Objection to the Commonwealth’s Title III Case (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); and it is further

ORDERED that this Order resolves Docket Entry No. 14917 in Case No. 17-3283; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SO ORDERED.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge

EXHIBIT A

Schedule of Claims Subject to the Two Hundred Seventieth Omnibus Objection

Two Hundred and Seventieth Omnibus Objection

Exhibit A - Incorrect Debtor Bond Claims

		ASSERTED			CORRECTED		
NAME	CLAIM#	DEBTOR	PRIORITY STATUS	AMOUNT	DEBTOR	PRIORITY STATUS	AMOUNT
1 COLON, GLORIA E PO BOX 370596 CAYEY, PR00737-0596	16443	Puerto Rico Highways and Transportation Authority	Unsecured	\$695,000.00	Commonwealth of Puerto Rico	Unsecured	\$255,000.00
					Employees Retirement System of the Government of the Commonwealth of Puerto Rico	Unsecured	\$225,000.00
					Puerto Rico Electric Power Authority	Unsecured	\$140,000.00
					Puerto Rico Highways and Transportation Authority	Unsecured	\$75,000.00
						Subtotal	\$695,000.00
Reason: Claimant identifies, in part, as obligor HTA, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all under ERS. Claimant also identifies, in part, as obligor HTA, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside if at all, under the Commonwealth of Puerto Rico. Claimant also identifies, in part, obligor as HTA when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all, under the Puerto Rico Electric Power Authority.							
2 EDWIN B. EMORY JR. TRUSTEE OF THE BONNIE L. BANKERT REVOCABLE TRUST EDWIN B. EMORY JR. 7605 PALISADE WAY FAIR OAKS, CA 95628	7374	Employees Retirement System of the Government of the Commonwealth of Puerto Rico	Unsecured	\$118,841.00	Commonwealth of Puerto Rico	Unsecured	\$38,341.00
					Puerto Rico Highways and Transportation Authority	Unsecured	\$80,500.00
						Subtotal	\$118,841.00
Reason: Claimant identifies, in part, as obligor ERS, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all, under HTA. Claimant also identifies, in part, as obligor ERS, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside if at all, under the Commonwealth of Puerto Rico.							
3 IZQUIERDO STELLA, HILDA A URB LA RAMBLA 1632 CALLE NAVARRA PONCE, PR 00730-4059	11276	Employees Retirement System of the Government of the Commonwealth of Puerto Rico	Unsecured	\$560,000.00	Commonwealth of Puerto Rico	Unsecured	\$200,000.00
					Employees Retirement System of the Government of the Commonwealth of Puerto Rico	Unsecured	\$250,000.00
					Puerto Rico Highways and Transportation Authority	Unsecured	\$110,000.00
						Subtotal	\$560,000.00
Reason: Claimant identifies, in part, as obligor ERS, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all, under HTA. Claimant also identifies, in part, as obligor ERS, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside if at all, under the Commonwealth of Puerto Rico.							

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Two Hundred and Seventieth Omnibus Objection

Exhibit A - Incorrect Debtor Bond Claims

ASSERTED					CORRECTED		
NAME	CLAIM#	DEBTOR	PRIORITY STATUS	AMOUNT	DEBTOR	PRIORITY STATUS	AMOUNT
4 NEUHAUS, MARY LYNN JAMES JARRARD 1595 MONTROSE TERRACE DUBUQUE, IA 52001	2208	Puerto Rico Highways and Transportation Authority	Unsecured	\$125,000.00	Commonwealth of Puerto Rico	Unsecured	\$120,000.00
					Puerto Rico Highways and Transportation Authority	Unsecured	\$5,000.00
						Subtotal	\$125,000.00
					Reason: Claimant identifies as obligor HTA, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all, under the Commonwealth of Puerto Rico.		
5 PERSAUD, RAJENDRA & SHARMILLA 126 AUDLEY STREET KEW GARDENS, NY 11418	8742	Puerto Rico Highways and Transportation Authority	Unsecured	\$95,000.00	Commonwealth of Puerto Rico	Unsecured	\$25,000.00
					Puerto Rico Electric Power Authority	Unsecured	\$40,000.00
					Puerto Rico Highways and Transportation Authority	Unsecured	\$30,000.00
						Subtotal	\$95,000.00
Reason: Claimant identifies, in part, as obligor HTA, when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all under the Commonwealth of Puerto Rico. Claimant also identifies, in part, obligor as HTA when the proof of claim, supporting documentation, bond name(s) at issue, and/or the CUSIP information show that any liability would reside, if at all, under the Puerto Rico Electric Power Authority.							
TOTAL				\$ 1,593,841.00	TOTAL		\$ 1,593,841.00